



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

writers as Cooley and Hare sometimes fall, of mistaking dictum for decision, at the same time his references and quotations are usually so full that the careful student can detect such occasional slips. Legal opinions are certainly not light and easy reading, but a close study of them will amply repay all effort thus expended, and will reveal the true scope and meaning of the constitution a thousand times more accurately than a mere study of the text can ever do.

The first chapter of this book is decidedly the poorest, although it should have been the best, for it is an attempt to compare the Canadian system with the systems of other countries, particularly the United Kingdom and the United States. In this single chapter the reader will perhaps question more assertions and theories than in all the remaining chapters together. The second and third chapters are devoted to a rapid survey of the pre-confederation period; then follow half a dozen chapters on the relations of Canada to the mother country; finally, about two-thirds of the book are occupied with a consideration of internal government of the colony. The author takes up the leading features of the Canadian government topically, and also exhaustively examines the British North America Act of 1867, section by section; in both methods he wisely draws liberally upon judicial opinions to support his own views.

One must not lose sight of the fact that this is a legal and not a political treatise; Mr. Clement seems to recognize that the general reader may forget this, and accordingly he constantly distinguishes between the conventions and the law of the constitution, herein profiting largely from Professor Dicey's remarkable lectures. The Canadian constitution seeks to establish a federal government that shall be free from those uncertainties of the United States constitution, which required in the end a civil war for their settlement; the American student cannot, therefore, do better than to begin with such books as those by Bourinot and Clement, and then go on to the works to which these admirable volumes will introduce him. C. F. A. C.

Mass. Inst. of Technology.

Les Origines de l'ancienne France. Par JACQUES FLACH. X^e. et XI^e. Siècles, Vol. II. *Les Origines Communales, la Féodalité et la Chevalerie.* Pp. 584. Paris: Larose et Forcel. 1893.

In the first volume of this series M. Flach has treated of "*Le Régime Seignurial*," or the dissolution of society in France in the tenth and eleventh centuries. This volume he entitles "*La Reconstitution de la Société*," and in it he discusses three of the elements in the reconstruction. The other two—royalty and the church—are left for the succeeding volume. The common basis of the communes,

feudalism and chivalry, the author finds in the family relation. In each of these the persons are reciprocally bound together by membership in a real or fictitious family and all the institutions take their rise from the two principles of love and hatred.

In his preface the author says, "Feudalism has always been considered as an organic whole. . . . The historians have attempted to describe the essential principles of this government, then to show it in action. In order to do it, they have taken their documents from all sides, from all ages, from the ninth to the fifteenth centuries. Finally, they have constructed a very complete, well-organized legal system, which has but one fault; it never existed. My objective is different. I do not attempt to conceive of a theoretical and abstract organization. I attempt to portray a concrete and living society, the society which inhabited France in the tenth and eleventh centuries." With this end in view he has utilized especially the cartularies and the older "*chansons de geste*," which depict so accurately the life of the people and which have been comparatively neglected.

The germs of the rural communes M. Flach finds in the villages which existed alike in Gaul—Celtic and Roman—and in Germany before the invasion. He antagonizes successfully Fustel de Coulanges' view that there were very few villages in Frankish Gaul. In a single one of the seventeen provinces the names of thirty-seven villages are found in Gregory of Tours. These villages were never destroyed, but, like the "*villae*," from the need of protection or the usurpation of the nobles, were joined to the great domains which grew up under the Carolingians. When the destructive force of invasions by Saracens, Normans and Huns was added to the constant private wars, it was an impossibility to protect these domains and they became dismembered to the advantage of the villages. The latter gradually became free rural communes by *affranchissement*, by compact with their lords or by "participation in this great wave of progress which is called the communal movement."

More than a third of the volume is given to the discussion of urban communes. The general theories which scholars have held are discussed and rejected partially or wholly. M. Flach does not believe at all in the persistence of the Roman elements. Owing to the vicissitudes of the ninth and tenth centuries he thinks the cities were almost entirely destroyed and their economic life had to begin again. He considers that the cities of the middle ages grew up about the castles and monasteries, by transformation from villages, or by new foundation. His chapters on the "Aspect of Cities," the "Condition of the Population," and the "Division of Authority" are very suggestive.

The most interesting part of the book is the section on feudalism.

The author rejects entirely the theory that it was based, primarily, on the relation to the land. He considers the feudal tie a personal relation, based upon the family. The *comitatus*, described by Tacitus, is reproduced in the Scandinavian fraternities and is pictured in Beowulf, it continued under the Merovingians, who had their antrustions; it survived in the "*maisnie*" and other forms in the ninth and tenth centuries. During all this time the relation was wholly personal. The followers frequently held no land and always received pay. The meaning of "*feodum*" in the ninth century was pay. Only in the twelfth and thirteenth centuries, by various influences—among which the rigid system of the church was the most prominent—feudalism became crystallized and was based on the relation to the land. Historians have been misled by consulting mainly ecclesiastical documents, which represent only the practice of the church. Such very briefly is the argument, which is supported chiefly by quotations from the chansons, although the chronicles and cartularies are also made to give their testimony.

Chivalry is summed up in sixteen pages. This the author considers the centre of gravity of the three elements in the feudal lordships—kinship, *maisnie* and vassalism. The most interesting point is his proof that the chevaliers in the earlier centuries were not at all chivalrous in the modern sense of the word. Chivalry was developed principally by the influence of the troubadours. "A poetic ideal was created and from poetry descended into the daily life."

Whether we accept M. Flach's conclusions or not, this volume is suggestive and very valuable for its notes. The greater part of the book consists of quotations from the cartularies and *chansons*. Of the latter the author furnishes a bibliography containing about fifty titles. This book is necessarily controversial, but very fair. M. Flach has accomplished the purpose, which he states, "At least the work is sure to leave behind it instead of a theory which it is necessary to adopt or combat, a picture of which the sources have furnished all the details, and of which it will be easy at any time to retouch the tints, to remedy the defects and to redraw the lines. Such is my desire. If it is too modest, I shall attain my end, if it is too high, others will accomplish it."

D. C. MUNRO.

University of Pennsylvania.

Studies in the Civil, Social and Ecclesiastical History of Early Maryland. By REV. THEODORE C. GAMBRALL, A. M., D. D. Pp. vii, 240. New York: T. Whittaker. 1893.

These ten lectures undertake to give a general view of the colonial life of Maryland. The author does not claim to write exhaustively,